

**Application No :** 10/00776/FULL2

**Ward:**  
**Chislehurst**

**Address :** 76 Green Lane Chislehurst BR7 6AZ

**OS Grid Ref:** E: 543960 N: 171155

**Applicant :** Reef Estates Ltd (Mr J Russell)

**Objections :** YES

### **Description of Development:**

Change of use from former Royal British Legion Club to convenience food retailer.

Key designations:

London Distributor Roads

### **Proposal**

The application was deferred from the Plans Sub-Committee on the 20th May 2010 in order to allow the applicant and objectors to speak at a future Committee. The report is repeated below and updated where necessary.

- The application seeks to change the use of the building to a retail convenience store (Class A1).
- It is proposed to operate the use from 0700 to 2200 for 7 days a week.
- No extensions to the building are proposed.
- The proposal includes refurbishment works and a new shopfront to the Belmont Lane elevation.
- Car parking provision for 9 vehicles will be included.

### **Location**

The application site is on the western side of Green Lane, forming a corner site at the junction with Belmont Lane. The area is predominantly residential with terraced and semi-detached properties surrounding the site. To the south of the junction is a parade of shops (Belmont Parade). The building has been used by the Royal British Legion as a social club use but now lies empty and has for over a year. The building is locally listed.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- traffic congestion

- car parking problems
- highway safety concerns
- noise and disturbance - late opening hours
- lack of local need and impact on other business
- impact on character of the area
- increased crime risk
- crime risk/anti-social behaviour

### **Comments from Consultees**

Technical highways objections were raised. Amended plans have been received indicating an additional car parking space for the manager and an 8th space for customers. Following the raising of further highways concerns with regard to manoeuvrability and possible reversing onto the highway, further information has been submitted and subsequent highways comments are made. Any further highways comments will be reported verbally at the meeting.

No Environmental Health or Cleansing comments have been received.

The Crime Prevention Officer has not commented on the application.

No TfL objections are raised to the application.

No Thames Water objections are raised.

No technical drainage comments are made.

Any further comments will be verbally reported at the meeting.

### **Planning Considerations**

The main policies relevant to this case are Policies BE1 (Design of New Development), BE10 (Locally Listed Buildings), C1 (Community Facilities), T3 (Parking) and T18 (Road Safety) of the adopted Unitary Development Plan.

### **Planning History**

Recent permissions relate to a replacement security fence in 2008 and a new entrance with canopy and elevational alterations in 2007.

With regard to the existing use of this building, a Certificate of Lawfulness for the use of a building as Class A3 was refused at the British Legion Social Club, Warren Road Chelsfield under ref. 00/03794. The subsequent appeal was dismissed, the Inspector stating:

'The evidence at the inquiry from the appellant, and the documents, indicate that this was a members' club with rules. It had a committee, that met in a room in the building and active darts and snooker teams. The building was used sometimes for parties or for functions such as weddings, but there was generally some connection with the membership of the club.

I consider that the primary purpose of the British Legion Club was to provide a congenial place for social contact and interaction for club members and visitors. Sale of drink was important, but essentially ancillary to that primary purpose. I conclude that the use did not fall within Class A3, or indeed within any particular use class.'

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and street scene, the impact on the character of the locally listed building, the impact on the amenities of neighbouring residential properties, the impact on parking/highway safety and the impact of the loss of an established community facility.

The proposal intends to operate the shop from 7am to 10pm every day. Information has been provided by the applicant to support these operating hours, particularly with regards to Sunday bylaw regulated hours, which allows operators trading from less than 3000 sq ft to open later on Sundays. It is considered that the proposed operating hours will be consistent with the use and will not result in an unacceptable level of noise and disturbance. The previous use by the Royal British Legion included a late night bar and it is considered that the proposed retail use will be small-scale as opposed to a supermarket and will therefore attract a limited number of shoppers.

The building is locally listed and is therefore considered to provide a positive contribution to the area. The proposal is considered to be sympathetic to the character of the building and will not alter its intrinsic character and appearance. No extensions or significant elevational changes are proposed and therefore the building is considered to be preserved. Any future advertisement consent applications will be assessed in light of the local listing of the building.

The applicant has also stated that the previous use was as a private members' club and not a community facility open to the general public, such as a health, educational or community hall outlined by Policy C1. It is claimed that the use is A4, however the previously cited appeal from Chelsfield would appear not to support this, but suggest that the Royal British Legion use is a sui generis use. This must be taken into consideration. Clearly some benefit to the community was provided by the previous use as a social club, albeit a private club.

If Members do consider this proposal to involve the loss of a community use in part or in whole, Policy C1 states that redevelopments should make provision for appropriate

community use. The applicants have submitted information regarding the array of community involvement that the proposed operator undertakes and Members will need to consider this. They have also submitted information suggesting that the premises have been unsuccessfully marketed over a period of 12 months and suggest that this demonstrates a lack of need for such a facility.

On balance it is considered that the development in the manner proposed is acceptable in that it would not result in a loss of amenity to local residents, will not have a negative affect upon the street scene and will not impact on the character of the locally listed building. Members will need to consider the loss of the facility, which did provide some community use, however in light of the evidence submitted demonstrating a lack of need for such a facility along with its long-term vacancy, Members may consider the proposal to comply with community facility policy.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00776, excluding exempt information.

as amended by documents received on 13.05.2010 16.04.2010

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1     ACA01        Commencement of development within 3 yrs  
      ACA01R      A01 Reason 3 years
- 2     ACH03        Satisfactory parking - full application  
      ACH03R      Reason H03
- 3     ACJ06        Restricted hours of use on any day        07:00   22:00  
      ACJ06R      J06 reason (1 insert)            BE1
- 4     No deliveries and/or loading/unloading of goods or the movement of goods from the service areas shall take place at off peak times only and not outside the hours of 07.00 to 22.00 hours on any given day.

**Reason:** In the interests of the amenities of local residents and to comply with Policy BE1 of the Unitary Development Plan.

### **Reasons for granting permission:**

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1   Design of New Development
- BE10  Locally Listed Buildings
- C1    Community Facilities
- T3    Parking
- T18   Road Safety

The development is considered to be satisfactory in relation to the following:

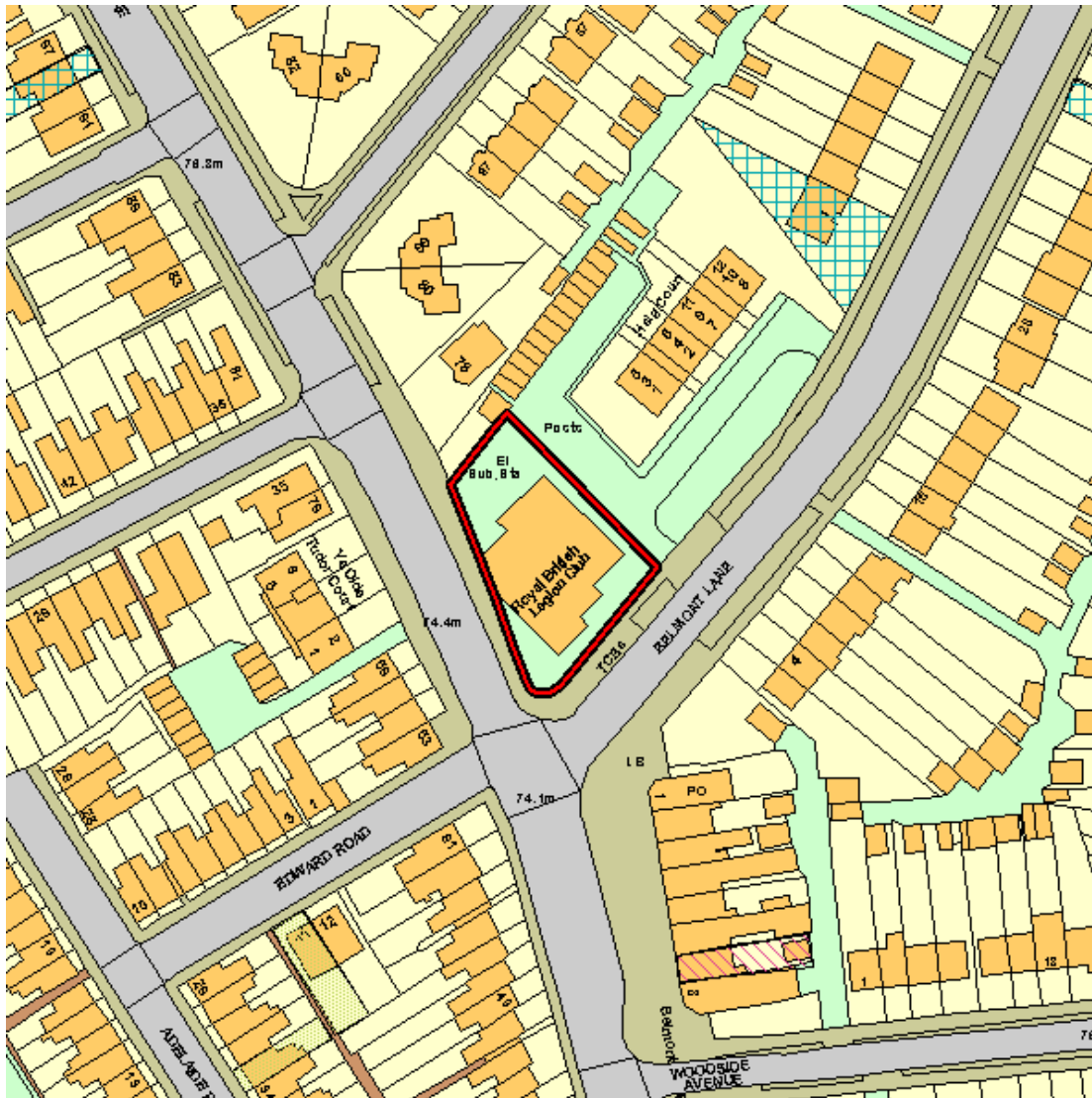
- (a) the community policies of the development plan
- (b) the character of the surrounding area
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the impact on pedestrian and vehicular safety
- (e) the conservation policies of the development plan

and having regard to all other matters raised.

#### INFORMATIVE(S)

- 1 There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

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